

Q Where may you go for assistance?

A • Most counties have a local victim center that will help you apply for compensation from the State Board of Control. Look in the county government listings in your phone book under "Victim-Witness Assistance," "Victim Services," "District Attorney's Office," or "Probation Department."

• Or you may call 1-800-VICTIMS, toll free, for referral to the nearest victim center.

• You also may obtain a brochure on victims' compensation from the State Board of Control, Victims of Crime Program, P.O. Box 3036, Sacramento, California 95802-3036.

Q May you also bring a civil lawsuit for your losses and expenses?

A You may be able to sue the person who committed the crime. If that person is a minor, you may also be able to sue his or her parents. A victim may be paid for an injury, death or property loss if the lawsuit is filed in time. The law gives victims special procedural rights in such cases. You may wish to speak to an attorney. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the yellow pages under "Attorneys").

This pamphlet summarizes the compensation available to some victims of crime from the State Restitution Fund and from a civil lawsuit, as of January 1, 1988. Both the law and the amounts of compensation may change. For the most current information on **your** rights to compensation, plus facts on other important victims' rights, contact:

INFORMATION
ON

CRIME VICTIMS' COMPENSATION



Prepared by the
JUDICIAL COUNCIL OF CALIFORNIA
Chief Justice Malcolm M. Lucas
Chairperson

[Rev. January 1, 1988]

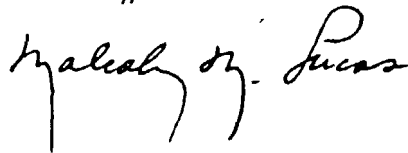
Dear fellow citizens:

Under California law, some victims of crime may qualify for compensation for certain losses resulting from criminal acts.

This pamphlet was prepared by the Judicial Council to give important information about two kinds of compensation: payment from the State Restitution Fund and damages from a civil lawsuit.

As Chairperson of the Judicial Council, I hope that you find this pamphlet helpful and that you will contact a victim assistance office for further information.

Sincerely,



Malcolm M. Lucas
Chief Justice of California

Q 1 What is the State Restitution Fund?

A The Restitution Fund is part of the State Victim Compensation Program (California Government Code sections 13959-13969.1). The fund comes entirely from fines imposed by the courts for criminal acts and helps pay for certain losses caused by crime. The fund is run by the State Board of Control.

Q 2 Which crimes are covered?

A A crime is covered if a victim is killed or suffers a physical or emotional injury.

Q 3 Who may apply for compensation from the Restitution Fund?

A A victim of crime may apply if the crime occurs in California or if the victim is a California resident and the crime occurs outside of California. "Victim" includes:

- a person who is injured or threatened with physical injury;
- anyone who is legally dependent for support on the victim;
- anyone who is present during a crime and has a close relationship with the victim;
- anyone who pays the medical or burial expenses of a deceased victim;
- anyone who must receive treatment or be present during the treatment of the victim and has a close relationship with the victim; and
- any family member, when a victim is killed or injured and that family member suffers emotional injury as a result of the crime. This last coverage is limited to medical expenses or mental health counseling expenses.

Q 4 What losses and expenses may be paid by the Restitution Fund?

A The Restitution Fund may pay you for medical-related expenses, loss of income or support, funeral and burial expenses (limited to \$2,800), and job retraining up to a total of \$46,000, unless you are paid for these losses from insurance, sick leave, or other sources. In addition, the fund may pay an attorney up to \$500 for helping you file a claim.

Q 5 What is not covered?

- A**
- The fund does not pay for injuries from a motor vehicle, aircraft or water vehicle, unless the crime is driving under the influence of alcohol or drugs, hit and run driving, using the vehicle as a weapon, or fleeing from the scene of a violent crime.
 - The fund does not pay for loss of or damage to any kind of property, except for eyeglasses, hearing aids, and dentures or prosthetic devices.

Q 6 What are you required to do?

- A**
- You must apply within one year after the date of the crime.
 - You must give written proof of losses and expenses, which may include medical and funeral bills and income tax statements.
 - If you are claiming income or support loss, you must show a loss of more than \$100 or more than one-fifth of your net monthly income, whichever is less, unless you are on a fixed income from retirement or disability.
 - You must cooperate fully with law enforcement agencies.
 - You must not have taken part in the crime.


PAGE 1 SHEET 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3
4 JAMES A. KAY, JR.,
5 Plaintiff,
6 vs.
7 HAROLD PICK, GERARD PICK,
8 individually, and doing business as
9 COMPUTER CONSULTANT AND
10 SYSTEMS, and doing business as
11 COMMUNICATION CONSULTANT AND
12 SYSTEMS, and doing business as CCS,
13 and doing business as LANCE HARDY
14 BEST ADVERTISING, and DOES 1
15 through 25, inclusive.
16 Defendants.
17
18 DEPOSITION OF KEVIN HESSMAN
19 FRIDAY, AUGUST 15, 1997
20 ENCINO, CALIFORNIA
21
22
23
24
25

1 APPEARANCES OF COUNSEL:
2
3 For the Plaintiff:
4 LAW OFFICES OF JOEL S. SEIDEL
5 BY: JOEL S. SEIDEL, ESQ.
6 18075 Ventura Boulevard
7 Suite 213
8 Encino, California 91316
9 For the Deponent:
10 KEVIN HESSMAN
11 IN PRO PER
12 2438 Oak Street
13 Apartment A
14 Santa Monica, California 90405
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PAGE 2

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15 through 25, inclusive.
16 Defendants.
17
18 Deposition of KEVIN HESSMAN.
19 taken on behalf of the Plaintiff, commencing at 3:00 p.m.,
20 at 18075 Ventura Boulevard, Suite 213, Encino, California,
21 on Friday, August 15, 1997, before CARRIE EVIN CRAMIN, CSR
22 No. 7082, within and for the County of Los Angeles, State
23 of California.
24
25

 (818) 718-7078
22344 Mission Circle
Chatsworth, CA 91311-3544

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2 I N D E X
3
4 WITNESS EXAMINATION PAGE
5 KEVIN HESSMAN BY MR. SEIDEL 5
6
7
8
9 E X H I B I T S
10 PLAINTIFF'S IDENTIFIED
11 A - Radio Station License 36
12 B - Radio Station License 36
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18 INFORMATION REQUESTED
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1 Encino, California, Friday, August 15, 1997
2 3:00 p.m.
3 * * *
4
5 KEVIN HESSMAN,
6 called as a witness on behalf of the Plaintiff,
7 having been first duly sworn, was examined and
8 testified as follows:
9
10 EXAMINATION
11 BY MR. SEIDEL:
12 Q Mr. Hessman, have you ever had your deposition
13 taken before?
14 A Sure.
15 Q On what occasions?
16 A I was -- there was a criminal case -- the
17 company I worked for. I believe I gave a deposition for
18 that. Well, there was a civil -- that's right -- there was
19 a civil case.
20 Q Was this when you worked for --
21 A I was -- Macquard. M-a-c quard. It was a
22 private security company. One of our patrol officers
23 murdered someone. I testified at a criminal trial. And
24 then there was a civil case afterwards. Wrongful death
25 suit, I guess. I had a deposition for that.

5

1 make that correction.
2 Do you understand the instructions thus far?
3 A Yes.
4 Q Because we want your best testimony. I
5 definitely don't want you to guess. If you don't
6 understand a question, or don't know the answer, let me
7 know. If you don't understand the question, I'll rephrase
8 the question. If you don't know, then you don't know. I
9 am, however, entitled to estimates. I'm going to give you
10 the standard definition of the difference between an
11 estimate and a guess.
12 If I ask you to estimate the size of my desk
13 here, you can look at it, compare it to other desks you
14 have seen and say, "Looks to me like it's about five feet."
15 You might be right, or you'd be pretty close. If I asked
16 you to estimate the size of the desk in my conference room,
17 you would have no idea because you have never seen that
18 desk.
19 Does that clarify the difference between an
20 estimate and a guess?
21 A Sure.
22 Q If you answer a question without telling me
23 you don't know or that you don't understand the question, I
24 will assume that you understood the question.
25 Because the court reporter is taking

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1 Q Have you given any other depositions?
2 A I really don't recall. No, I don't think so.
3 Q So you're fairly familiar with the fact that
4 you're testifying under oath and you have to tell the truth
5 and that sort of important stuff. But I'm going to give
6 you the regular admonitions anyway, so we have a clear
7 understanding and a clear record.
8 You were just given an oath by the court
9 reporter. And that requires you to testify truthfully and
10 accurately as if you are in a court of law.
11 Do you understand this?
12 A Yes.
13 Q Now, the court reporter, to your right, will
14 be taking down and transcribing everything we say today.
15 You will have an opportunity at a later date to review what
16 you have said and make any changes that you deem necessary.
17 But I must caution you, I have the right to make comments
18 or draw reference or attack your credibility based on any
19 changes you make. So our goal today is to get your best
20 testimony today.
21 A Okay.
22 Q And to that effect, if you say something today
23 and then 15, 20 minutes later you realize that wasn't
24 right, correct us today. You just say, "You know what? I
25 have a correction." and we'll go right on the record and

6

1 everything down that we say, she can only take down one of
2 us at a time, so we'll do our best to speak one at a time.
3 I'll let you finish your answers and you let me finish my
4 questions -- even though you know what I'm going to ask.
5 Also, Miss Court Reporter can only take down
6 verbal responses. "Uh-huh" and "huh-huh" are hard to take
7 down. And at a later time, no one is really sure what they
8 meant.
9 Have you had any drugs or alcohol within the
10 last 24 hours?
11 A Yeah. I believe I had a couple of beers last
12 night. Dodger game.
13 Q Do you believe those beers have affected you
14 today so you cannot give your best testimony?
15 A No.
16 Q Is there any reason why you can't give your
17 best testimony today?
18 A No.
19 Q Did you examine any documents prior to this
20 deposition?
21 A Just the two I gave you. Licenses.
22 Q Nothing else?
23 A No.
24 Q Did you prepare in any way for this
25 deposition?

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1 A No.
 2 MR. SEIDEL: Let's go off the record for a moment.
 3 (Discussion held off the record.)
 4 MR. SEIDEL: Let's go back on the record.
 5 Q Before I forget, have you ever been convicted
 6 of a felony?
 7 A No.
 8 Q What is the highest degree of education you
 9 have attained?
 10 A Two year A.A. degree from City College.
 11 Q Which city college was that?
 12 A Santa Monica.
 13 Q What was that A.A. degree in?
 14 A General liberal arts. All the basic
 15 requirements.
 16 Q Any specific emphasis?
 17 A You could kind of say I majored in
 18 administration of Justice.
 19 Q That relates to your career now?
 20 A Sort of. Yeah. I was, at the time, planning
 21 to go into law enforcement.
 22 Q Where did you go prior -- I'm sorry. Let's
 23 back up.
 24 When did you finish with Santa Monica City
 25 College?

1 A Yes.
 2 Q The alarms and the related items, that's what
 3 you take care of purchasing?
 4 A Yes.
 5 Q Do you take care of purchasing anything else?
 6 A Yeah. Anything that's purchased at the branch
 7 I generate the purchase order whether I actually place the
 8 order or not. Other departments sometimes order supplies
 9 or something like general office supplies. I'll end up
 10 generating purchase orders, processing the paperwork for
 11 all that.
 12 Q Who makes the decision as to what you
 13 purchase?
 14 A For what I actually purchase, I do.
 15 Q What items do you make decisions on
 16 purchasing?
 17 A Well, it's not so much the -- I don't have a
 18 lot of leeway in -- basically, whatever we're selling at
 19 the time, whatever our sales department ends up selling. I
 20 stock up any special orders that come across.
 21 Q Let me see if I understand this. Your sales
 22 department carries certain items; correct?
 23 A Yeah. They have -- generate a price sheet and
 24 specific systems that they sell. Yeah.
 25 (Brief interruption.)

1 A 1980.
 2 Q And when did you graduate high school?
 3 A 1977.
 4 Q Where did you go to high school?
 5 A St. Santa Monica High in Santa Monica.
 6 Q Other than the A.A. degree and the high school
 7 education you have received, have you had any other formal
 8 education courses?
 9 A No.
 10 Q Where do you work today?
 11 A I work for Bel-Air Patrol.
 12 Q What is your job title there?
 13 A Warehouse purchasing.
 14 Q What does that entail?
 15 A Basically generating all the purchase orders
 16 for everything for the entire branch. And then
 17 inventorying and being responsible for all the, basically,
 18 alarm parts that go out for the alarm systems we sell.
 19 Q I'm sorry. I don't recall. Who do you work
 20 for again?
 21 A Bel-Air Patrol.
 22 Q What does Bel-Air Patrol do?
 23 A Private security. Alarm response. Mostly
 24 residential.
 25 Q You sell alarms?

1 MR. SEIDEL: Would you read back the last answer.
 2 (Record read.)
 3 Q BY MR. SEIDEL: Let me see if I understand.
 4 You make -- do you make decisions as to how much is
 5 purchased?
 6 A Yes.
 7 Q Do you make decisions as to what is purchased?
 8 A No, not exactly. It's limited to what they're
 9 selling.
 10 Q If you ascertain that you're low in certain
 11 items, then you'll make that decision and go and purchase
 12 it?
 13 A Yeah.
 14 Q How long have you worked for this company?
 15 A It will be four years in November.
 16 Q Where did you work prior to working for this
 17 company?
 18 A It was for Jim Kay Southland Communications.
 19 Q When did you begin employment with Southland
 20 Communications?
 21 A I think it was May of 1990.
 22 Q That took you through November of '93?
 23 A October/November. I think I was employed in
 24 the month of November.
 25 Q What did you do for Southland Communications?

1 A Pretty much the same thing. Ran the warehouse
2 and the stock and did the purchasing.
3 Q Let's go into a little bit of detail. When it
4 came to purchases, did you make decisions as to what was
5 purchased?
6 A As far as the quantity. But not -- specific
7 items were pretty set to what they were selling.
8 Q Your decision as to quantity, what sort of
9 leeway did you have there?
10 A At Southland?
11 Q Yes.
12 A "Leeway" meaning?
13 Q How much would you purchase?
14 A Probably about a week or two's worth of
15 supplies, I assume. Kind of didn't want to build up too
16 high.
17 Q I think I gave you a vague question. I think
18 I understand your answer.
19 You had items that were kept in stock;
20 correct?
21 A Yes.
22 Q If you saw that they were low you would
23 purchase more?
24 A Right.
25 Q But you would try to not purchase much?

1 any purchases I had to make.
2 Q Do you recall the items you would purchase for
3 Southland?
4 A Yeah. There were several. All sorts of
5 items.
6 Q Just, can you give me a general description of
7 them, if that's possible?
8 A Kind of break down into commercial two-way
9 radio equipment like Motorola or Standard, E.F. Johnson.
10 That was for commercial customers. Two-way radio. Then
11 there was the CB. Kind of like over-the-counter business
12 that we did as well.
13 Q You purchased radio items?
14 A Yes.
15 Q Hardware?
16 A Yeah. Hardware and all the parts that the
17 service department needed to repair radios.
18 Q Did you ever purchase any forms? Business
19 forms or things like that?
20 A Not -- no. I don't recall handling any of
21 that.
22 Q Why did you leave Southland Communications in
23 approximately November of 1993?
24 A Jim let me go at that time.
25 Q Do you know the reason?

1 A Exactly. But there were certain vendors where
2 you wanted to get a certain dollar amount to get discounts
3 on the freight and a lower price for quantity.
4 Q Was it your job to attempt to get the lowest
5 price?
6 A Yes.
7 Q Did you have to check with anyone before you
8 made a purchase order?
9 A At Southland?
10 Q Yes.
11 A No.
12 Q So you were fairly autonomous; is that your
13 testimony?
14 A Yeah. As far as I remember. I don't believe
15 I needed approval. But now that you mention it, I think
16 maybe -- well, I'm kind of thinking of my present employer.
17 If it's over a certain dollar amount, I have to get
18 approval from the corporate office. At Southland, I don't
19 remember if -- I think the office manager or the general
20 manager used to approve over a certain dollar amount. I
21 don't recall.
22 Q Okay. That's fair if you don't recall. You
23 may recall later.
24 A Sure. I can always recall later. Right now I
25 really don't recall having to get a specific approval for

1 A Well, it conflicts with what he told me when
2 he let me go. At the time he said he was laying me off.
3 And then I asked him if I could go collect unemployment
4 then, and he kind of changed the story. "Well, no. I'm
5 firing you for cause."
6 Q Okay. Let's spend a moment on that.
7 Why do you believe you were let go?
8 A I think things were slowing down quite a bit.
9 And he had been -- people had been leaving. And he hadn't
10 been replacing them. So I guess it could be a cause
11 effective measure.
12 Q Do you believe you were let go for anything
13 you did or simply because business slowed?
14 A I honestly thought at the time it probably was
15 because business was getting slow. If I -- looking back on
16 it now, I think it was -- quite a bit of business was
17 dropping off.
18 I think the CB market had been slowing down
19 quite a bit, and the store front part was real slow, and
20 the two-way business was kind of still going along, but not
21 quite as much as he wanted. Especially on my end, as far
22 as selling new radios and having to buy those and keep them
23 in stock.
24 Q You attempted to get unemployment?
25 A Yeah. I did.

1 Q What happened?
2 A Jim contested it.
3 Q Did he contest it to you personally? Or was
4 that through the E.D.D.?
5 A Through the E.D.D., I guess.
6 Q He said it was for cause?
7 A Yeah.
8 Q Did he specify the reason -- did he specify
9 the cause rather?
10 A Yeah. I think it was pretty much basically
11 disrespect to him. And I don't recall all the other
12 reasons.
13 Q Do you believe those reasons were valid?
14 A To a degree.
15 Q Which of the reasons do you believe were valid
16 in some way?
17 A I don't think they were totally valid for me
18 being terminated for it. I don't deny doing the things
19 that he said I did.
20 Q What did he say you did?
21 A Like -- well, he said I would -- either -- I
22 got to try to think back now. His specific complaint I
23 remember was that I like referred to him somehow a name or
24 something. And there was always joking going on. I mean,
25 I always joked with everybody. And they joked back. So I

17

1 Do you believe Mr. Kay was simply trying to
2 save money with unemployment insurance?
3 A I definitely believe he didn't want to pay the
4 unemployment.
5 Q You're admitting that, perhaps, you weren't
6 the model employee; correct?
7 A Well, no. I wouldn't say I wasn't an unmodel
8 employee, or real bad employee. I'd say, yes, it was true.
9 I could be ornery once in a while at -- uncooperative when
10 people wouldn't cooperate with me.
11 Q But you don't believe that was the reason you
12 were let go?
13 A I don't think so.
14 Q How soon did it take you to find a job after
15 you left Southland?
16 A If I recall, I think it was about a week and a
17 half.
18 Q You weren't financially hurt by not getting
19 the unemployment?
20 A No. Not at all.
21 Q In fact, ironically, you probably even
22 benefited from it?
23 A I didn't have to commute out to Van Nuys
24 anymore. It worked great.
25 Q At this point, do you hold any ill will

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1 didn't see why that was really a valid cause for
2 termination.
3 Q Let me see if I understand this.
4 Mr. Kay contested your unemployment by stating
5 that you were terminated for cause; correct?
6 A Yes.
7 Q And the cause was -- was it poor attitude?
8 Was it disrespect to him?
9 A Yeah. I'd say attitude. Not getting along
10 with other employees, I think, was brought up. Or not
11 arguing with him -- but not like being cooperative with
12 him.
13 Q Were those charges true?
14 A Well, kind of, yes. When someone walks in --
15 well, I would say I was kind of short on understanding when
16 they couldn't explain what they were trying to get out of
17 warehouse from me.
18 Q When you say "they," another Southland
19 employee?
20 A Yeah. I'd say all the salespeople.
21 Q So perhaps you weren't polite or pleasant to
22 salespeople; is that what you're saying?
23 A That would be a good description.
24 Q You believe that was why you were let go --
25 let me finish the question.

18

1 towards Mr. Kay for what you said -- or what he told the
2 E.D.D.?
3 A I -- yeah. I kind of do, because he really --
4 I believe really distorted a lot of things when he was
5 testifying in the hearing for the unemployment. Yes.
6 Q There was a hearing?
7 A Oh, yeah. Sure.
8 Q Did Mr. Kay appear on his own?
9 A I don't recall if he was there, or if he was
10 on the telephone. It was right after the '84 earthquake, I
11 believe. Or was it -- I'm sorry. I can't remember what
12 the -- which earthquake it was. I remember there was an
13 earthquake and he couldn't -- yeah. I'm sure he couldn't
14 appear in person, so he was on the phone.
15 Q Were you in person?
16 A Yes.
17 Q There was a hearing board?
18 A Yes.
19 Q Well --
20 A Well, there was one judge I guess you'd call
21 him.
22 Q I don't understand this. You already had a
23 job at the time. You were unemployed for a week. What
24 necessitated a hearing?
25 A I believe I had already begun to collect. In

20

36-5

1 fact. I think I collected like -- it was \$159 or so in
2 unemployment. They wanted it back, so I guess -- either I
3 or Jim contested it. I don't know who you would claim
4 contested it.
5 Q What was the result of this hearing?
6 A They ruled in Jim's favor. I had to just pay
7 back the -- it was like a week and a half unemployment.
8 came to about \$159 or something.
9 Q Did you pay it back?
10 A Yes.
11 Q That makes you angry?
12 A Well, I wasn't happy about it. It seemed kind
13 of -- I'm not sure what word I'm looking for -- petty --
14 Jim even bothered with it. That Jim -- it's the way it
15 goes.
16 Q I personally would have been infuriated by
17 that.
18 On a scale of 1 to 10, 10 being the angriest,
19 and 1 being not angry at all, what would you rate your
20 feelings when you had to pay that money back due to Jim
21 contesting your unemployment?
22 A Well, I'd have to say I expected that behavior
23 from him, so it was no surprise. Since it wasn't a big
24 dollar amount, I'd rate it on a scale from 1 to 10, about 6
25 or 7.

21

1 A I'm sorry.
2 Q You heard it through the grapevine at your
3 place of employment?
4 A Yes.
5 Q Thank you.
6 How long did the hearing take?
7 A I don't really recall. There wasn't much to
8 it. Maybe half an hour, 45 minutes.
9 Q Did you have to take time off from work?
10 A Yes.
11 Q Did you lose money due to the hearing -- I'm
12 sorry. Let me rephrase.
13 Did you lose income from your current employer
14 due to the hearing?
15 A No. I don't believe so. I don't think they
16 deducted it from my timecard, or anything like that.
17 Q Where was the hearing held?
18 A Where was it held?
19 Q Yes.
20 A The large building somewhere near L.A.X. I
21 believe off La Cienega.
22 Q Was it a long commute for you?
23 A No, not at all.
24 Q Shorter going out there than Southland in Van
25 Nuys?

23

1 Q You were mildly angry?
2 A A little more than mildly.
3 Q Just for the record -- and the deponent will
4 acknowledge that he understands this -- when I say "Jim,"
5 I'm referring to Mr. James Kay; is that correct?
6 A Yes.
7 Q Now, you just said a moment ago that you
8 expected it from him. What do you mean by that?
9 A From all the people that he let go in the
10 past. He always, from -- my understanding was he always
11 contested unemployment no matter what it was. Just a
12 standard policy.
13 Q How did you learn that?
14 A Just talking to other employees at Southland.
15 Q While you worked at Southland or after you
16 separated from Southland?
17 A While I was working there there had been lots
18 of people let go. And before me.
19 Q You never spoke to Mr. Kay about this; is that
20 correct?
21 A About unemployment specifically, no.
22 Q You heard it through the grapevine, so to
23 speak, at the --
24 A Yeah.
25 Q Let me finish my question.

22

1 A Yeah, it is.
2 Q Do you recall what you said in your defense of
3 that hearing?
4 A A defense as to which part?
5 Q That's a very, very fair response.
6 On the phone Mr. Kay -- or in person -- you
7 don't recall -- Mr. Kay leveled some charges against you,
8 causes for your termination. And do you recall what those
9 were?
10 A Not specifically. In general, I can't
11 remember the exact wording or how he phrased it.
12 Q But in general what was it?
13 A Being disrespectful -- I don't think --
14 disrespectful is not the right word. I'm not sure how he
15 described it. Uncooperative. Abusive. I'm not even sure
16 if those words were used. Kind of like that.
17 Q What did you say in response to Mr. Kay's
18 accusations?
19 A That if I was that way, it was because of the
20 way other people were being to me, or for some other
21 reason. It wasn't that abusive or unfair to other people.
22 That's -- yeah. I had been there for, I think, over three
23 years. Hadn't really been a problem. No one ever
24 reprimanded me or spoke to me about it before I was let go.
25 Q Did you express that you believed you were let

24

1 go due to work slowdown?
2 A Yes. I believe that was -- I believe that was
3 the claim I made when I filed for unemployment. That's
4 what Jim first told me.
5 Q What was Mr. Kay's response to that when you
6 said that?
7 A I don't recall if he denied telling me that or
8 not, or if he just said it was for the other reasons.
9 Q Since leaving Southland in approximately
10 November of 1993, have you had any contact with anybody
11 from Southland or any other entity that Mr. James Kay
12 either owns or runs?
13 A The only one would be Roy Jensen. He was
14 the -- I don't know if he was the general manager, but he
15 was a manager there at Southland.
16 Q Was he there the entire time you worked there?
17 A Yes. He left before I did, I believe.
18 Q But he was there when you began your
19 employment?
20 A Yes.
21 Q Do you know when he began employment with
22 Southland?
23 A Not much longer before I did. He came aboard
24 when Southland and Dan Magro merged. Portable Clinic is
25 the name of Dan Magro's business. They merged for a while.

25

1 Q Was it Roy who told you perhaps about the job
2 opening at Southland?
3 A Yes. Yes, he did.
4 Q Now, Roy left. Do you recall when he left?
5 A I really don't have any recollection of the
6 date, no.
7 Q Can you give me an estimate as to how many
8 months he left prior to your leaving?
9 A Nothing sticks out. As to the -- nail it
10 down, no. I really -- I couldn't really guess. It was
11 several months. I don't think it was a whole year,
12 although it may have been. I really don't recall.
13 Q For the record, I should be clear, when I
14 mention "Roy," I was talking about Mr. Jensen.
15 A Yes.
16 Q Do you know why Mr. Jensen left Southland --
17 or actually, Mr. Kay's employ?
18 A I really don't remember the exact reason, no.
19 Q Did they leave on good terms?
20 A At the time I believe they did.
21 Q Do you believe they remained on good terms?
22 A No. I think not. Really, I don't think they
23 went in hostile terms, but it's kind of hard to describe.
24 I wouldn't say it -- I don't think there were real bad
25 feelings.

27

1 Then it was called Buddy Sales. I believe they changed it
2 to Southland Communications.
3 Q Did you know Mr. Jensen prior to your
4 employment at Southland?
5 A Yes.
6 Q How long had you known him prior to your
7 employment at Southland?
8 A It was probably about 1986 or '87. He worked
9 at the same company I worked at before.
10 Q You met Mr. Jensen at your prior employer,
11 which was?
12 A Macguard.
13 Q That was a security company?
14 A Yes.
15 Q You became friendly with him; correct?
16 A Yes.
17 Q Did you become friends, would you say?
18 A Yes.
19 Q Social friends?
20 A Well, I wouldn't say Roy is very social.
21 Period. Social as Roy could be.
22 Q Did you see each other outside of work?
23 A Yes. Occasionally. For various events or --
24 Q On occasion you'd go places together?
25 A Yes.

26

1 Q But there was some animosity between them?
2 A Yes.
3 Q Do you know what that came from?
4 A No. Roy never really went into any detail
5 about it.
6 Q Are you still friendly with Mr. Jensen?
7 A I was up until about -- I think the last time
8 I saw him was before Christmas last year. It's been a
9 while. And I haven't spoken to him since.
10 Q So for a brief period, a few years perhaps,
11 you kept in contact with Mr. Jensen even after both of you
12 left employment from Mr. James Kay?
13 A Oh, yes. Yes.
14 MR. SEIDEL: Let's go off the record for a moment.
15 (Brief pause in the deposition.)
16 MR. SEIDEL: Back on the record.
17 Q Have you ever been notified by the F.C.C. that
18 the F.C.C. intends -- or may use you as a witness in any
19 actions against Mr. Kay?
20 A Notified meaning written document? To that
21 effect?
22 Q A written document? A call? A Christmas
23 card?
24 A Yes. I believe Riley -- Riley Hollingsworth
25 asked me if I'd be willing to appear as a witness.

28

1 Q Do you recall when he asked you that?
 2 A Not the specific date, no.
 3 Q Can you give me an estimate?
 4 A It was probably at least a year after I left
 5 Jim Kay. So as I recall, all the F.C.C. stuff started
 6 about a year after I had been gone from Southland.
 7 Q When you say the "F.C.C. stuff," the F.C.C.
 8 contacted you?
 9 A Yes.
 10 Q When was your first contact with the F.C.C.?
 11 A When was it or what was it?
 12 Q When. I'll ask what, too. But when?
 13 A When was probably like I said, probably a
 14 year -- I seem to recall about a year after everything --
 15 or a year after I left Southland.
 16 Q Who contacted you?
 17 A I believe it was Riley Hollingsworth.
 18 Q Did he identify himself as to who he was?
 19 A Yes.
 20 Q Who did he say he was?
 21 A He said he was an investigator. Well, I don't
 22 recall if he said he was an investigator for the F.C.C. or
 23 what exactly now. I seem to recall he was like an
 24 investigator for the F.C.C.
 25 Q Did you contact the F.C.C. or did the F.C.C.

1 and the other things that I felt Jim Kay might be doing
 2 illegally.
 3 Q Why did you contact the F.B.I. with respect to
 4 your licenses?
 5 A I wasn't really sure -- wait a minute. I had
 6 called, I think, the F.C.C. about it originally, and spoke
 7 to someone, one of their, I think, a field office, a thing
 8 in Whittier, I think, in that -- somewhere in that area.
 9 although I'm not sure with that. And the people I spoke to
 10 there weren't really clear who to speak to or what to do
 11 about it. And I don't remember if they told me to contact
 12 the F.B.I., or if I just decided to call them on my own to
 13 see what they could recommend.
 14 Q Let me see if I understand this. This might
 15 refresh your recollection.
 16 You initially contacted the F.C.C. prior to
 17 the F.B.I.; correct?
 18 A Yeah. I believe I tried to call someone at
 19 the F.C.C. first.
 20 Q This was a few months after you left Mr. Kay's
 21 employ?
 22 A Yes.
 23 Q Then your subsequent contact to the F.B.I.
 24 was due to the fact that you really didn't know who to
 25 contact. That seemed like the right government agency?

1 contact you?
 2 A Well, they contacted me or Roy Jensen. I
 3 think probably at the same time. I don't remember if Roy
 4 called me. Sort of asked Riley to call me or not.
 5 Q Let's go over that in some detail.
 6 Do you believe that the F.C.C. contacted
 7 Jensen -- Mr. Roy Jensen before they contacted you?
 8 A I seem to recall Roy speaking to Riley
 9 Hollingsworth before, because I think I remember hearing
 10 that name from Roy before I actually heard from Riley.
 11 Q Do you know whether Mr. Hollingsworth
 12 contacted Mr. Jensen or Mr. Jensen contacted
 13 Mr. Hollingsworth first?
 14 A I don't recall which way that went.
 15 Q Do you recall whether you contacted the F.C.C.
 16 or the F.C.C. contacted you first?
 17 A Well, the F.C.C. called me, but I'd actually
 18 spoke to another government agency before that.
 19 Q What other government agency did you speak to?
 20 A I spoke to the F.B.I.
 21 Q Do you recall when?
 22 A Probably two or three months after I left
 23 Southland.
 24 Q Do you recall why?
 25 A Yeah. I wanted to report about my licenses

1 A Actually, I believe someone at the F.C.C.
 2 recommended it.
 3 Q Okay. Do you recall who?
 4 A No. I have no idea who I spoke to.
 5 Q Now we'll see if we understand this.
 6 You contacted the F.C.C. with respect to radio
 7 licenses; correct?
 8 A And other things.
 9 Q And other things. That was my next question.
 10 What other things?
 11 A I think the initial thing I wanted to
 12 report -- we were, at the time, modifying scanners to pick
 13 up cellular traffic at the time -- kind of like a big area.
 14 Whether that was legal or illegal in California or
 15 throughout the nation -- I guess that -- and I believe we
 16 used to modify ham radios -- I'm sorry -- CB radios to go
 17 in ham radio frequencies or vice versa.
 18 Q Where did you get that knowledge?
 19 A Firsthand from when I used to write up service
 20 repair tickets at the counter at Southland Communications.
 21 Q You would write up service repair tickets.
 22 That service repair ticket would indicate that scanners and
 23 CBs were being modified to pick up different signals?
 24 A Yes.
 25 Q You felt that was illegal?

1 A Yeah.
 2 Q Why did you believe that was illegal?
 3 A Well, I know for certain -- well, probably
 4 Just from what people told me. Different service techs at
 5 Southland. Other employees. Customers even maybe. I
 6 don't know if you say that was their opinions or they were
 7 stating law. I don't recall specifically seeing statutes
 8 about it or not. Plus the cell phone issue was always in
 9 the news at that time. It was like a big story.
 10 Q So you believed it was illegal?
 11 A Yes.
 12 Q You never went to the library and looked up
 13 any statutes?
 14 A No.
 15 Q Other than just talking to people, did you do
 16 any independent investigation as to whether or not it was
 17 illegal?
 18 A No.
 19 Q Did you notify on this first call to the
 20 F.C.C. of any other wrongdoing other than the fraud,
 21 anything about the scanners and the CB units?
 22 A I mentioned the -- I believe I mentioned
 23 licensing as well.
 24 Q And what about the licensing?
 25 A Actually, I take that back. I don't believe I

(INFORMATION REQUESTED: _____)
 1
 2
 3 Q BY MR. SEIDEL: What happened after you
 4 contacted the F.B.I?
 5 A Not much. It seemed like months and months
 6 went by. Then, I believe, I finally heard from Riley
 7 Hollingsworth from the F.C.C.
 8 Q Do you know if the F.B.I did anything with
 9 respect to your call?
 10 A I vaguely recall seeing like a -- about a
 11 one-page letter that was from the F.B.I. to the F.C.C. And
 12 I believe Riley showed me that once.
 13 Q So you believe the F.B.I spoke to Riley
 14 Hollingsworth regarding Mr. James Kay?
 15 A Speak to him or corresponded through that
 16 letter, yes.
 17 Q Do you believe that's why Riley Hollingsworth
 18 contacted you?
 19 A I can't remember if it was Roy Jensen or the
 20 F.C.C. that instigated that. I seem to think it was Roy
 21 had been -- either been speaking with Riley for a while,
 22 although I'm not really sure.
 23 I kind of vaguely recall that Roy had been
 24 speaking to the F.C.C. for quite a while before I ever got
 25 involved. I can't really be sure about that. I'm not sure

1 did mention the licensing. When I called I think it was
 2 originally mostly about the cellphone frequencies,
 3 modifying scanners to pick those up.
 4 Q Then you contacted the F.B.I regarding these
 5 same issues?
 6 A Yes. I believe that was who the F.C.C. told
 7 me to contact about the modification of the scanners.
 8 Q Do you recall who you spoke to?
 9 A At the F.B.I?
 10 Q Yes.
 11 A Field agent was Kathleen. I can't remember
 12 her last name. Might be Kathleen Sullivan. But I don't
 13 recall. I believe I have her business card somewhere.
 14 Q Do you have that business card with you?
 15 A No. Not on me. But I think I got it
 16 somewhere at home in a pile of cards.
 17 Q If I left a blank in the transcript, when you
 18 review the transcript, would you write her name in?
 19 A Well, I'm not sure I can find the card. I'm
 20 pretty sure I can find it.
 21 Q You will attempt to do so?
 22 A Sure.
 23 MR. SEIDEL: Will the court reporter please leave a
 24 blank space in the transcript so that Mr. Hessman can
 25 provide us with the name of the F.B.I agent he spoke to.

1 about the dates at all.
 2 Q I appreciate your candor and your effort to
 3 recollect or recall.
 4 I'm going to hand you two pages of paper, and
 5 I'd like the court reporter to mark these as Exhibits A and
 6 B, and ask you to identify them, please.
 7 (Plaintiff's Exhibits A and B were
 8 marked for identification and are
 9 attached hereto.)
 10 THE WITNESS: These are two radio licenses that I
 11 received in the mail from the F.C.C. that were in my name,
 12 I guess.
 13 Q BY MR. SEIDEL: Do you recall when you
 14 received them?
 15 A Not specifically. No. I really -- nothing to
 16 to pinpoint that down at all.
 17 Q Do you recall why you received them?
 18 A Yeah. Roy and Jim asked me to sign F.C.C.
 19 application forms sometime earlier to that.
 20 Q Did you need a license for any reason?
 21 A No.
 22 Q What was the point of your having a license?
 23 A At the time they asked me I thought it was
 24 something that Jim already had in existence, that he
 25 just -- for whatever the reasons -- wanted to transfer over

1 into another name. But later I discovered I believed that
2 he used my name to apply for brand-new licenses. It was to
3 help Jim in his business.

4 Q Let's look at these for a moment.

5 On the second line of Exhibit A or B, it says
6 "DBA Hessman Security." Did you ever do business as
7 Hessman Security?

8 A No. I believe that was the name Jim -- I kind
9 of remember him asking me if it was okay to put it in that
10 name. I guess I agreed.

11 Q Did you ever do any independent security work?

12 A Yeah. Actually, I was like a subcontractor
13 for a security firm briefly. It was in Beverly Hills. In
14 fact, that was after I left Macquard. And it was for just
15 a few weeks, I believe. And rather than being classified
16 as an employee, he had most of his people get a business
17 license and act as independent contractors. So, I guess,
18 you could kind of think I was in business, but I really was
19 more of an employee.

20 Q Did you use radios with this business?

21 A No. Wait. As a standing guard post for
22 jewelry stores, watch stores.

23 Q Did you ever have need of a radio license?

24 A Commercial radio license?

25 Q That's --

1 Q Do you recall the process with which you had
2 to employ to get the license?

3 A Yeah. It was, I believe, two Saturdays. I
4 think it was eight hours each of a instruction class that
5 was offered by someone in Santa Monica. And you went
6 through the -- I believe it was two Saturdays of training
7 and then you took a written test.

8 Q Then you received the license?

9 A Yes.

10 Q I'm referring now to the third line of either
11 license, of either Exhibit A or B. It says, "GB
12 Conventional Business."

13 Do you know what that refers to?

14 A No, I don't.

15 Q Further down on the page it says, "Hessman
16 Security, 3481 Cabrillo, C-a-b-r-i-l-l-o, Boulevard,
17 Los Angeles, California, 90066."

18 Does that address sound familiar to you?

19 A Yeah. That was my prior address from to where
20 I am now.

21 Q That was your home address?

22 A Yes.

23 Q Why is this license in your name?

24 A Because Roy and Jim asked me to apply for
25 them. I guess.

1 A No.

2 Q That wasn't my question.

3 A Well, I have a --

4 Q Let me finish my question, then you can speak.

5 Did you ever have need of a radio license in
6 any way? Any radio license? Commercial or otherwise?

7 A Yes. I received an amateur radio license.
8 But as far as your definition of "need," I'm not clear
9 about that.

10 Q Did you have any purpose with which you could
11 use a radio license?

12 A Yes.

13 Q What was that?

14 A Well, the only reason I got the amateur radio
15 license was because I was volunteering with Los Angeles
16 Police Department Ham Radio Watch. And I -- in order --
17 what they do is they use amateur radios to unsurveillance
18 details. And in order to operate the radio, I had to get
19 an amateur radio license.

20 Q When did you get that amateur radio license?

21 A I was still working at Southland. Probably
22 somewhere in '92/'93.

23 Q Did you get this license without any
24 assistance from someone at Southland?

25 A Yes. I got it on my own.

1 Q What's the use of these licenses; if you know?

2 A I believe he used it to dummy-load up a
3 particular frequency that they're on so no one else can
4 apply for and get a license on that same frequency.

5 Q Did you know this at the time?

6 A I guessed. Sure.

7 Q You agreed to it anyway?

8 A Like I said, when they first asked me, I
9 thought it was for something that already existed, for
10 whatever reason. I just needed to put it in my name. But
11 I wasn't sure why.

12 Q Did you ask?

13 A No.

14 Q Did you have to fill out any documents to get
15 these licenses?

16 A I didn't fill anything out, no. I just
17 remember signing forms.

18 Q Do you recall what forms you signed?

19 A Couldn't tell you exactly what they were, how
20 many, but I seem to recall maybe signing about half a dozen
21 times.

22 Q You don't know what forms they were?

23 A No. I didn't pick them at all.

24 Q Did you read them?

25 A No. I don't believe so.

1 Q Now, you received these licenses in 1992: Is
2 that correct?
3 A Well, look at the date of issue. Yeah. It
4 looks like that's when it was. July of '92.
5 Q And April of '92?
6 A Oh, yes.
7 MR. SEIDEL: Off the record.
8 (Discussion held off the record.)
9 Q BY MR. SEIDEL: Now, earlier you testified
10 that you believe that the purpose of these licenses was so
11 that Jim could make it seem like a frequency was completely
12 being used?
13 A Yes.
14 Q Thereby preclude other people from using that
15 frequency: Is that correct?
16 A Yes.
17 Q When did you learn that? Or when did you come
18 to that belief?
19 A I couldn't say exactly when I started to hear
20 about how he would dummy-load frequencies. But it was
21 sometime shortly after I started working for him.
22 Q You began work in May of 1990?
23 A Yes.
24 Q So for approximately two years you knew that,
25 or you believed that Mr. Kay would occupy frequencies by

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1 Did you have any moral qualms when you got
2 these licenses? Did it bother you?
3 A At the time I didn't really think much about
4 them, no.
5 Q When you got them, you knew, what you believed
6 Mr. Kay was doing?
7 A I believe when I finally received these in the
8 mail, yes, I knew exactly -- well, I thought -- exactly
9 what he was doing.
10 Q When you received these in the mail, you
11 believed this was Mr. Kay's way of fraudulently tying up
12 frequencies?
13 A Yes.
14 Q Did you know that when you signed the
15 licenses?
16 A No, not when I signed them, because I thought
17 it was for something he already had legitimately in
18 existence. I kind of remember thinking it was like at
19 whatever set limit of frequencies he was at, or something,
20 or he just needed to put it in my name for some reason. I
21 thought it was for an already legitimate license he had
22 already existed. For instance, one of our legitimate
23 customers who had units out there, was in business.
24 Q You realized what you believed to be the true
25 license when you received the -- the true purpose when you

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1 the use of fraud or misrepresentations?
2 A Yeah. I believe that was my understanding at
3 the time. That was the standard practice in the industry.
4 Or more people than just Jim did it.
5 Q You don't think Mr. Kay was anything -- was
6 unusual in this respect?
7 A I couldn't say firsthand. I don't know of
8 anybody else, personally, in the business except Dan Maoro.
9 And I don't believe he did. I don't believe he had the
10 need to do it. I don't think he dealt with a lot of
11 licensing issues.
12 Q Why did you think Jim did it?
13 A Because he could.
14 Q What was the benefit to him; if you know?
15 A I think his goal was to tie up as many
16 conventional frequencies so he can turn it into trucking.
17 Q Would you describe what trucking is?
18 A Sort -- I believe my best description works
19 along the line of cellular where you have numerous
20 frequencies that are available for any one unit can
21 transmit, and it will automatically watch from numerous
22 different frequencies any that are available so you could
23 put more -- many more units on a trucking system than on
24 just one particular single frequency.
25 Q Good definition.

42

1 received the licenses?
2 A I think about that time I had heard or
3 discussed Jim's way of doing that with other people, so I
4 already knew. Yeah. I knew what he was doing.
5 Q Were these other people that worked at
6 Southland?
7 A Yes.
8 Q Did you get any sort of bonus for signing
9 these?
10 A No. Nothing at all.
11 Q Any sort of financial benefit at all?
12 A No.
13 Q Pat on the back?
14 A I don't recall one. Not from Jim.
15 Q A "Thank you"?
16 A Not really, no.
17 Q When you learned that you believed -- strike
18 that.
19 When you came to believe that these licenses
20 were, in essence, fraudulent, did you contact anybody?
21 A No.
22 Q Why not?
23 A Well, I was still employed by Jim. I guess I
24 didn't want to make trouble for the person who was
25 employing me.

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1 Q But you contacted the F.C.C. a few months
2 after you were terminated from Southland?
3 A Yes.
4 Q Why did you contact them then?
5 A Well, since I wasn't working for Jim anymore,
6 I didn't want the licenses in my name. And I suppose I was
7 angry over the -- his objection to my collecting
8 unemployment and letting me go in the first place, I guess.
9 Q The job you got right after Southland, did
10 that pay more or less than the job you had at Southland?
11 A I think it was exactly the same.
12 Actually -- I'm sorry. I think it was about a dollar an
13 hour less.
14 Or actually, after -- I think -- because when
15 I applied for the first position, it -- I didn't get that.
16 I actually got the different position for purchasing.
17 I had originally applied just for -- to go be
18 a security guard for Bel-Air. And then the purchasing
19 position was available at the time. I believe that paid --
20 if it's important -- I think it was exactly the same
21 amount.
22 Q I just want your best testimony.
23 A I think it was exactly the same amount, so it
24 worked out okay. I didn't have to commute out to Van Nuys.
25 It was fine with me.

1 Q We're going to talk about that later.
2 A I don't recall.
3 Q When did Mr. Riley Hollingsworth first contact
4 you?
5 A When did he?
6 Q Yeah.
7 A I really don't remember when it was other than
8 probably about a year, I think, after I left Southland.
9 Q Approximately November of '94?
10 A I really can't narrow it down. There's
11 nothing that sticks out as to when it was.
12 Q It was sometime after January of '94 when you
13 mailed these licenses -- I'm sorry -- when you contacted
14 the F.C.C. regarding these licenses?
15 A That he contacted me after that? Yes, it was.
16 If I recall, it was -- seemed like quite a while. I think
17 it was like a year before I heard from anyone.
18 Q Do you recall what he said to you when he
19 contacted you?
20 A No, not specifically. I think he just wanted
21 to arrange a meeting.
22 Q Do you recall what you said to him?
23 A No. I don't recall if he asked me any details
24 or anything or what we really discussed.
25 Q He just called you to arrange a meeting?

1 MR. SEIDEL: Okay. Off the record.
2 (Discussion held off the record.)
3 Q BY MR. SEIDEL: Earlier you testified that you
4 had been contacted by Mr. Riley Hollingsworth; correct?
5 A Yes.
6 Q Who else have you had contact with from the
7 F.C.C.?
8 A No one, I believe. I believe the only one I
9 ever spoke to was Riley. I recall there was another
10 gentleman, but he -- I don't think he was with the F.C.C.
11 I think he was some sort of U.S. attorney or someone. I
12 don't want to say. I'm not sure what he was.
13 Q Do you recall his name?
14 A No, not at all. I don't remember him.
15 Q Do you recall where you met him?
16 A Yeah. I was at meetings that we had at Harold
17 Pick's house.
18 Q It wasn't Harold Pick?
19 A No. It was someone who came with Riley. If I
20 recall, I believe he was just some kind of U.S. attorney.
21 Q Do you recall what he looked like?
22 A No.
23 Q Do he wear a suit?
24 A I don't believe so. I think we were all
25 pretty casual.

1 A I believe so.
2 Q Where did he want to meet you?
3 A I don't recall if it was Riley's or Roy
4 Jensen's, but I believe the meeting was set at Harold
5 Pick's house, because I -- they -- because I think he
6 wanted -- it was more convenient for Riley to meet with
7 everyone at once.
8 Q When Mr. Hollingsworth contacted you in
9 approximately November of 1994 -- I realize you're not sure
10 about that date -- was the meeting already set up?
11 A I kind of believe it was. I -- they -- he had
12 already -- I believe he told me he already spoke to Roy and
13 Harold Pick. And I think it was pretty much a meeting had
14 already been arranged.
15 Q Do you recall if you spoke to him about
16 anything else other than the meeting?
17 A No. I don't think so. You mean -- maybe
18 about the licenses in particular or --
19 Q What did he tell you what the meeting was
20 going to be about?
21 A No. I don't think he did say anything at the
22 time.
23 Q Did he mention it was going to be about
24 Mr. James Kay?
25 A Probably. And the licensing, or my licenses.

1 Although I don't really recall what he said. I think
 2 pretty much I knew what he was calling for. I think he
 3 already spoke to Roy and to Pick.
 4 Q How did you know what he was calling for?
 5 A I believe Roy mentioned him before. That was
 6 why I thought Riley and Roy Jensen had been speaking before
 7 because I -- because I heard the name of Riley
 8 Hollingsworth from Roy before.
 9 Q When he called you, it wasn't a complete
 10 surprise to you or was it?
 11 A No. I think I had probably talked to Roy
 12 Jensen. He had mentioned Riley was either in town or was
 13 going to call.
 14 Q Was Riley in town when he called you?
 15 A I believe so. I have no way of knowing. I
 16 think he was in the Los Angeles area. I believe he comes
 17 from back East and flew out for the meetings.
 18 Q For the record, if I inadvertently say the
 19 name "Riley" as opposed to Mr. Hollingsworth, you know I'm
 20 referring to Mr. Riley Hollingsworth?
 21 A Yes.
 22 Q I would assume that when someone calls you and
 23 sets up a meeting, you would have asked what about?
 24 A I don't recall discussing anything with him at
 25 length.

1 Q Who was at the meeting?
 2 A I went with Roy Jensen. We went together.
 3 And then Harold Pick, and I believe his father. I believe
 4 his name is Gerald (sic).
 5 Q Gerard?
 6 A Gerard. Riley Hollingsworth. I don't
 7 remember if that other gentleman that I mentioned -- I
 8 think the -- was the U.S. attorney was there or not.
 9 Q Was Mr. Frank De Marzo there?
 10 A No.
 11 Q Was Mrs. Annedore Pick there?
 12 A Well, she was. I didn't see her in the living
 13 room where we met. I believe there may have been other
 14 people in the home, but I didn't see anyone else other than
 15 Harold and his father.
 16 Q Do you know Mrs. Annedore Pick?
 17 A No.
 18 Q You wouldn't recognize her if I had her right
 19 here in my office?
 20 A No. Who is she, by the way? I'm sorry.
 21 Q I'll answer. If I were in court and you asked
 22 that, I'd say I ask the questions.
 23 That's Mr. Harold Pick's mother.
 24 A Okay.
 25 Q I'm going to be nice to you because we're not

1 Q But you asked him what the meeting was about.
 2 I must assume?
 3 A I think I already knew from Roy.
 4 Q What did you understand the meeting to be
 5 about?
 6 A The fraudulent licensing that Jim did. And
 7 since I had some in my name, knew firsthand that's what
 8 they wanted to talk to me about. I believe Roy had some in
 9 his name. He did the exact same thing that I did.
 10 Q Was the meeting going to be about anything
 11 else?
 12 A No. I think that was about it.
 13 Q When did this meeting occur?
 14 A I have no idea when we met.
 15 Q About how long did it occur after the phone
 16 call?
 17 A Within a week or two, I guess. That must have
 18 been, like I said, within that year period somewhere.
 19 November.
 20 Q Do you recall where this meeting took place?
 21 A Yes. The only time I met with him was at
 22 Harold Pick's house.
 23 Q Had you ever met Harold Pick prior to this
 24 meeting?
 25 A No.

1 in court.
 2 How long did the meeting last?
 3 A I don't -- I guess I want to say about an
 4 hour. I don't think it was much longer than that.
 5 Q Was that the only time you had met with Riley
 6 Hollingsworth?
 7 A I believe there was a second meeting, or I
 8 know -- well, I recall. I think, at least two meetings at
 9 Harold Pick's home with Riley. That's why I can't remember
 10 if that other gentleman was there at both meetings, or I
 11 think it was the second meeting.
 12 Q When did the second meeting take place?
 13 A Seemed like quite a while after the first one.
 14 Like months.
 15 Q Can you estimate how many months?
 16 A I really don't have a clear recollection of
 17 it.
 18 Q Okay. Earlier you testified that the first
 19 meeting lasted approximately an hour, or an hour and a
 20 half; is that correct?
 21 A It could have gone that long, sure.
 22 Q And you were there, Mr. Jensen was there.
 23 Mr. Harold Pick was there, Mr. Gerard Pick was there,
 24 Mr. Hollingsworth was there, and another gentleman may have
 25 been there, but he was at one of the two meetings?

1 A I believe he wasn't there at one of the
2 meetings. He might. But he might have been at both. I'm
3 not sure.
4 Q At the second meeting, were the same
5 participants there?
6 A Yeah. Same people.
7 Q Do you recall what was discussed at that first
8 meeting?
9 A Pretty much. Well, I just, what concerned me
10 about my licenses. And I don't remember Roy producing any
11 licenses, or I don't remember ever seeing any licenses in
12 his name. But I'm pretty sure he had applied for them and
13 there were some in his name.
14 Q With respect to you, the only thing you
15 discussed were these licenses that we've referred to as
16 Exhibits A and B?
17 A That I remember. Pick had a whole book of
18 licenses and listing numerous customers or clients that had
19 licenses, and whatnot, and business names. I remember
20 going through that and looking at any that I recognized --
21 Q Were you -- I'm sorry.
22 I spoke over him.
23 A -- or Roy recognized.
24 Q Let me see if I can characterize this
25 correctly, then you'll tell me if I'm right or wrong.

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1 Pick's mother -- I don't really specifically remember --
2 sitting down around a dining table once. I think. Maybe
3 she was there. That was after the meeting was over, you
4 know, we've discussed everything. We were like sitting
5 down and eating.
6 I vaguely recall maybe a woman being there.
7 but I'm not really positive.
8 Q Were there any sort of introductory speeches
9 or statements made by anybody?
10 A No.
11 Q Who spoke mostly during the meeting?
12 A No one really sticks out as occupying most of
13 the time in the meeting.
14 Q Did Mr. Harold Pick speak a lot?
15 A I'd say, yeah. It was probably Harold doing
16 most of the talking. I couldn't characterize -- it was
17 like -- well, I don't really have a clear recollection of
18 it.
19 Q How would you characterize it, since you were
20 there and I wasn't?
21 A I'm trying to think of how it -- yeah. I'd
22 have to say it probably was Harold doing most of the
23 discussing with Hollingsworth.
24 Q This is the first meeting we're referring to?
25 A Well, both of them really. They were both

55

1 Mr. Hollingsworth and Pick were together:
2 correct? That's a vague -- they were -- they essentially
3 held the meeting together?
4 A Well, I couldn't really describe who was
5 holding the meeting other than Riley.
6 Q Looked like Pick was cooperating with Riley
7 rather strenuously?
8 A Sure.
9 Q You and Roy were, in essence, used as
10 witnesses to see if you recollected names and licenses?
11 A I don't recall what we were really trying to
12 find out looking through all the names other than Pick was
13 looking at them and, I believe, pointing out ones that he
14 believed were dummy licenses like ours.
15 He wanted to know if I knew for a fact or not.
16 I guess. I really couldn't tell him other than recognizing
17 names of customers that I had seen, like writing up radio
18 tickets for them, familiar with the names that way.
19 Q How did the meeting begin?
20 A It was pretty casual. I mean, we went in and
21 just met in the living room. And then, come to mention it,
22 maybe someone else -- no, I guess maybe it was Gerard Pick
23 who served us refreshments.
24 I think maybe -- thinking back now, I think
25 maybe there was a woman there one time who might be Harold

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1 pretty similar, the same.
2 Q Okay. I appreciate that.
3 There was a book of documents you looked
4 through; correct?
5 A Yes. F.C.C. licenses.
6 Q Who produced that? Who brought that book to
7 the meeting: if you know? Mr. Pick or Mr. Hollingsworth?
8 A I assume it was Mr. Pick because he had it.
9 But I don't -- couldn't say if whether or not Riley had
10 brought the book. But I think it was Harold's. I think it
11 was a standard list that comes out. I believe Jim had the
12 same kind of books that list all kinds of radio frequencies
13 and licenses. Standard point out from the F.C.C., I
14 believe.
15 Q Now, other than looking at these licenses --
16 I'm trying to discern whether or not an actual person
17 corresponded to an actual license. What else did you
18 discuss?
19 A I don't recall any specifics of what Harold
20 was bringing up.
21 Q Do you recall specifics of what anybody
22 brought up?
23 A Not really.
24 Q Obviously they talked about Mr. Kay, I assume?
25 A Yeah.

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36-14

1 Q Did they talk about anybody else other than
2 Mr. Kay?
3 A I don't recall if they talked about -- I don't
4 remember his last name -- Jerry. He was someone who --
5 Q If I told you the name Mark Sobel, would that
6 refresh your --
7 A Sure. Sure. I think.
8 Q -- recollection?
9 A Mark Sobel. We all knew Mark Sobel. I guess,
10 yeah, something was discussed about licenses that he had.
11 I believe he had his own business. I don't remember really
12 anything specific about what his connection was other than
13 he did a lot of field work for Jim, maintained his mountain
14 top repeater sites.
15 MR. SEIDEL: Let's go off the record for one second.
16 (Discussion held off the record.)
17 MR. SEIDEL: Back on the record.
18 Q So you recall there was some discussion
19 regarding licenses Mr. Kay held and Mr. Sobel held. What
20 else do you recall being discussed?
21 A Well, I think we did discuss a former employee
22 of Jim's, a woman who had been murdered. Her name is
23 Christy or Christine Brinkley.
24 Q Did anyone make any guesses as to who
25 committed that murder?

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1 Q What's your opinion with respect to that?
2 A I hate to think that he did it, but just from
3 personally knowing him, I would be of the opinion that he
4 would have a violent temper and may very well have had
5 something to do with it.
6 Q What did, if you know, Mr. Jensen believe?
7 A I think he -- I think he thought that Jim made
8 a good suspect.
9 Q What did you believe Mr. Gerard Pick thought?
10 A I think he probably agreed.
11 Q And same question with respect to Mr. Harold
12 Pick?
13 A I'm sorry. I thought you asked about Harold
14 Pick.
15 Q We'll do Harold Pick now and we'll go back and
16 do Gerard Pick.
17 A I meant that Harold thought he made a good
18 suspect. As far as Gerard Pick, I'm not sure. I don't
19 recall him saying a lot, specifically, but I think probably
20 agreed with everyone else.
21 Q What about Mr. Hollingsworth?
22 A I don't think he had a real opinion on it.
23 Q Did he care?
24 A I think he cared as far as looking into what
25 licenses she held.

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1 A Speculation was that Jim Kay could have been a
2 good suspect, because she was heavily involved in dummy
3 licensing with Jim supposedly.
4 Q Let me understand this then. Speculation was
5 that perhaps Mr. Kay either personally or through another
6 had his former employee murdered to protect himself?
7 A Yes.
8 Q Who made that speculation?
9 A I don't recall who exactly brought it up.
10 Between Roy or Harold Pick.
11 Q Who discussed it?
12 A We all did.
13 Q Did Mr. Hollingsworth discuss it?
14 A I believe so.
15 Q Did he express any opinions as to its
16 probability?
17 A No, I don't think so. I think we were telling
18 him to look for licenses in her name. And to try to find
19 out what happened to those is how that came up.
20 Q Around that table, would you say the
21 participants in the meeting believed Mr. Kay had his former
22 employee murdered?
23 A I'd say that the opinion of everyone there
24 probably is that Jim Kay might very well be capable of it.
25 sure.

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1 Q Other than that he had no interest?
2 A Well, no. I guess not.
3 Q Do you recall now -- now that it's probably
4 coming back to you -- what else you discussed that evening?
5 Was it -- strike all that.
6 What time of day did this occur? This
7 meeting? The first one?
8 A I believe it was on the weekend. And probably
9 like in the early or later morning or early afternoon.
10 Q It was on the weekend?
11 A I believe so.
12 Q Do you recall whether they were held on
13 Saturday or Sunday?
14 A No. But I think it was pretty much on the
15 weekend, because I didn't have to worry about taking off
16 work or anything.
17 Q Now, back to that first meeting. Do you
18 recall what else was discussed?
19 A Other than the licenses and the possible
20 homicide, no. Well, it was definite homicide. Maybe Jim
21 having something to do with it. I think that's all that I
22 recall.
23 Q Did anyone discuss allegations that Mr. Kay
24 would steal other people's licenses, or trick them into
25 giving them those licenses?

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36-15

1 A Yes.

2 Q So I refreshed your recollection?

3 A That's kind of rolled into the way Jim would-

4 apply for the licenses. He would -- I believe how it

5 worked -- a customer would come in and apply for -- buy

6 radios from Jim. Apply for a license. And Jim would have

7 them sign all the blank forms. And then at some time later

8 would transfer that license, which originally, I believe,

9 is in the customer's name, end up going into Jim's name.

10 He would steal them from them. They wouldn't

11 know it. Most of them wouldn't even care.

12 We also discussed how he would intimidate or

13 coerce people to get off of a frequency by using what he

14 calls his wrecking crew. He would license -- I believe it

15 was a taxi company or some kind of delivery company and

16 pull them on the same frequency as a customer who he wanted

17 to get off that frequency so they would tie up the channel

18 so much the other guy would voluntarily bail off his

19 frequency and Jim could apply for it.

20 Q Let's go to the blank forms, because we have

21 spoken about your licenses and we have spoken about the

22 murder.

23 Who discussed the blank forms at that meeting?

24 A Well, that would be me and Roy since we saw

25 them and had customers sign them occasionally. I don't

1 Q At all?

2 A No.

3 Q Do you recall what Mr. Kay did with these

4 blank forms: If you know?

5 A No. I couldn't say.

6 Q Do you know what happened to these blank

7 forms?

8 A I couldn't say for sure.

9 Q Do you know why Mr. Kay wanted the blank forms

10 signed?

11 A I think the times that he had me were when I

12 mentioned before that a customer was applying for a

13 license, and then he was going to eventually transfer it

14 into his name.

15 Q Do you know how to get an F.C.C. radio

16 license? Do you know the process by which one goes about

17 getting an F.C.C. radio license?

18 A All the details, no.

19 Q Do you know what forms you would have to pick

20 out and fill out to get a radio license?

21 A No.

22 Q So if Mr. Kay said to you, "When this customer

23 comes in, have him fill out the form for me to get a

24 license," you wouldn't be able to do that?

25 A No. I'd have no idea which form to go get and

1 recall now -- I can't say if Roy ever did that. I recall

2 doing it when people came to the counter.

3 Q You recall it?

4 A Yes.

5 Q Do you know if blank forms were signed?

6 A The specific forms, I couldn't tell you what

7 exactly they were, no.

8 Q Do you know what they were for?

9 A I believe they were for to apply for an F.C.C.

10 license. And there were other forms involved in changing

11 the name of the title that it was in.

12 Q Can you give me an estimate of how many people

13 you personally had sign blank forms?

14 A No. No more than half a dozen times.

15 Q Do you recall when that happened?

16 A Over the entire time I worked for Jim. Well,

17 it was after we moved to the new building on Cabrillo Road.

18 I remember going out to the counter there

19 when people would come to pick up their radios. Jim had

20 just given me the pile of forms and asked me to make sure

21 whoever picked the radios would sign. It didn't happen

22 very often, as I recall.

23 Q Do you recall who signed these blank forms?

24 A The specific customer, no. I don't really

25 recall.

1 where to even find them, no.

2 Q You don't recall now which customers filled

3 out these blank forms?

4 A No. They were -- I mean, there were so many

5 customers that came through to the counter. It happened so

6 infrequently, that nothing really sticks out.

7 Q It's your testimony that on, perhaps, six

8 occasions Mr. Kay asked you to have some customers sign

9 some blank forms: Is that correct?

10 A Yes.

11 Q Do you know why he asked you to --

12 A No. Other than it was involved in -- maybe it

13 was new customers who was -- they had brought in their

14 radios to be reprogrammed onto different frequencies or

15 existing systems that Jim had. And that this was just part

16 of normal application for them to get a license.

17 Q Why do you assume that there was any

18 wrongdoing involved with having customers sign blank forms?

19 A From what I knew, it was told by the salesman

20 who worked at Southland and from what Roy told me, that

21 this was the standard practice that Jim had signed by

22 customers and that most of the forms were not necessary for

23 just applying for an initial license.

24 Q Do you have any personal knowledge yourself as

25 to whether or not anyone was ever hurt by signing blank

1 forms?
 2 A I can remember one case that was definitely
 3 contested by the customer Jim had stolen a license from.
 4 Q What case is that?
 5 A It involved a B.F.I. Corporation.
 6 Q How did you learn about this?
 7 A Probably mostly from what Roy told me. Just
 8 talk around the office. I don't remember really. I
 9 remember it was an ongoing case that Jim was fighting. I
 10 guess. I don't remember if Jim discussed it at times.
 11 Q Do you have any personal knowledge of that
 12 case at all?
 13 A No. I wouldn't be involved in any of the
 14 licensing disputes or anything. I do remember Jim talking
 15 in the office from time to time about it and how the case
 16 was going.
 17 Q Do you recall what he said?
 18 A No. I don't really remember any of the
 19 details other than I believe it was the reason B.F.I. was
 20 contesting, the person Jim had signed forms was not
 21 authorized to relinquish the F.C.C. license, or whatever.
 22 I think he was some kind of manager at one of B.F.I.'s
 23 facilities. I think it kind of went that way.
 24 Q Based on your knowledge, if someone obtains an
 25 F.C.C. license, what can he do with it?

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1 A No.
 2 Q Do you know if these customers, if in fact
 3 they did sign blank forms, were damaged in any way?
 4 A No.
 5 Q Do you think they were?
 6 A I think most people don't really know or
 7 understand or care how the radio licensing works. They
 8 just want their radios to work, so they probably don't care
 9 whose name they're in.
 10 Q Do you know what kinds of licenses they were?
 11 A The ones that I had people sign the blank
 12 forms for?
 13 Q Yes.
 14 A I couldn't say exactly, no. I didn't read the
 15 forms. I assume they were for some sort of commercial
 16 two-way radio.
 17 Q Were they end-user licenses?
 18 A Most likely, but I couldn't say for sure.
 19 Q Do you know what an end-user license is?
 20 A I believe that end-user is the customer that
 21 Jim sells radios to. He's the one that actually ends up
 22 using the radios on that frequency.
 23 Q Are they commercial licenses?
 24 A Definitely should have been. That's all
 25 that -- you don't require a license for CBs OR ham radios.

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1 A I don't think there's any real value other
 2 than it gives you a right to operate radios on a frequency.
 3 Q If I have two radios and I have a license, can
 4 those radios talk to each other?
 5 A Well, under what sort of circumstances? I
 6 mean, they have to be on the same frequency, and for
 7 distance-wise you have to have repeaters involved. I
 8 believe that's a sort of a separate license.
 9 If you just had a single license, unless you
 10 only want to talk a mile or two apart, you have to go
 11 through a repeater service to really make the radios
 12 worthwhile or valuable.
 13 Q The licenses that are in your name that you
 14 had cancelled, do they have any value to you?
 15 A No. I don't even know exactly what they're
 16 for. I'm not sure if these are on a repeater or not. I
 17 really couldn't even say.
 18 Q You have stated that Mr. Kay, on perhaps six
 19 occasions that you know of, had customers sign blank forms;
 20 correct?
 21 A Yes.
 22 Q Do you know why he had them sign blank forms?
 23 A I can only guess.
 24 Q I don't want you to guess.
 25 Do you know why?

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1 You do a whole different license. Jim wouldn't be involved
 2 in having the customers sign forms. As far as I know, they
 3 were commercial licenses.
 4 Q But you don't really know?
 5 A No.
 6 Q Do you really know what a commercial license
 7 is used for?
 8 A Other than my definition of a commercial
 9 two-way license, I really wouldn't. That's just how I
 10 would refer to it. It's for a business using radios
 11 opposed to a private person.
 12 Q If I asked you to characterize your knowledge
 13 as to radio licenses, would you consider yourself as an
 14 expert?
 15 A No, not at all.
 16 Q Would you consider yourself as knowledgeable
 17 in the least?
 18 A No, not really, other than just what I heard
 19 working around the office. The licensing part was really a
 20 separate operation from where I was working in the
 21 warehouse and doing the purchasing for the store front,
 22 basically.
 23 Q Other than these approximately six occasions
 24 where you had customers fill out licenses, you never
 25 touched licenses; is that correct?

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36-17

1 A No.
2 Q And you don't have any real independent
3 knowledge of how the licensing process works?
4 A No, I don't.
5 Q You have never taken any classes on it?
6 A No.
7 Q You have never read any books on it?
8 A No, other than that amateur radio license that
9 I told you about, no.
10 Q You also discussed -- or stated to me a
11 discussion as to intimidation practices by Mr. Kay. What
12 do you mean by that?
13 A Making it so miserable for someone using a
14 radio frequency that they would want to get off of it.
15 Q Who discussed that at that meeting? The first
16 meeting.
17 A Probably Roy, and I believe Harold Pick now
18 had knowledge of it, of different ways that Jim would do
19 that.
20 Q Do you have any knowledge of that at all?
21 A Well, yeah. I recall now when he would do all
22 the re-frequencing or reprogramming of radios that he
23 wanted to put on that frequency. "We do it free of
24 charge." I thought that was odd. We do like several dozen
25 radios. Jim would do it for free. Put that wrecking crew

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1 really don't remember right now. I knew they existed.
2 What they were doing, from either listening to Jim or Roy
3 discuss it, or other people, the salesmen, knew about it. I
4 suppose.
5 Q Do you have any independent personal knowledge
6 of your own as to the changing of frequencies or moving
7 customers to different frequencies by Mr. Kay or any entity
8 in which he was involved with or owned?
9 A Just that he did that.
10 Q Any personal knowledge as to the reasons why?
11 A The reasons why? Well, I definitely recall
12 him talking about discussing it. That's what he was doing.
13 Almost boasting of it.
14 Q I appreciate your candor. I appreciate your
15 effort to answer.
16 When I ask you for personal knowledge, what I
17 mean is you know it not because somebody told you, just
18 because you did or were involved with it.
19 Do you have any personal knowledge as to the
20 changing of customers from one frequency to another?
21 A My personal knowledge was involved in the --
22 yes, I -- yes. I handled and wrote the service tickets --
23 or actually changing the radio frequencies on the radios.
24 As to why we were doing it, no, I couldn't tell you. But
25 that's why he specifically was doing it. I had heard him

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1 on a particular frequency. For a while it happened.
2 Q Is it possible that the reason Mr. Kay put
3 people on different frequencies was to improve the service?
4 A It's possible.
5 Q But you don't know whether -- either way, do
6 you?
7 A I could probably recall sometimes when Jim
8 admitted that is what he was doing. I can't -- specific
9 instances of what he -- then -- well, Jim discussed it
10 from time to time.
11 Q Discussed what?
12 A That that's what he was doing with his
13 wrecking crew.
14 Q Was improving service?
15 A No. That he was putting them on frequency to
16 drive someone else off the frequency.
17 Q You heard Mr. Kay actually discuss that?
18 A I believe so. I couldn't really tell you the
19 specifics, but I'm sure I recall hearing him mentioning the
20 wrecking crew all the time.
21 Q Do you know the term the "wrecking crew" was a
22 euphemism that Mr. Kay used? Or do you really know what it
23 was?
24 A I knew what it was. I couldn't tell you what
25 company it was. I don't recall what their name was. I

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1 boasting about it.
2 I actually -- yes, I did handle the radios and
3 I could recall doing it numerous times where we were
4 changing the frequencies on the customer and put them to
5 different frequencies and move them around.
6 Q You have personal knowledge that persons were
7 changed from one frequency to another; correct?
8 A Yeah. But that happened all the time.
9 Q But you don't have any personal knowledge as
10 to why?
11 A As to why, no.
12 (Short break taken.)
13 Q BY MR. SEIDEL: Let's go back to the meeting
14 for a moment where the parties discussed intimidation
15 tactics by Mr. Kay.
16 Who discussed these?
17 A Probably Pick and Roy. They knew a lot more
18 about it than I did.
19 Q What did Mr. Hollingsworth have to say about
20 any of this?
21 A I don't recall him saying anything specific
22 about it, or that it was even against the rules. I'm sure
23 he was probably interested in it. As far as what he did
24 about it, I don't recall him saying he'd do anything about
25 it.

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1 Q So we've now discussed these four issues at
2 the meeting: Having customers signing blank forms, murder,
3 also licenses which were held in people's names such as
4 your own, and intimidation practices by Mr. Kay.

5 Was anything else discussed at that meeting?

6 A Not that I can name specifically. I don't
7 recall. I'm sure there were lots of things discussed. The
8 only thing that I really have firsthand knowledge about was
9 my two licenses there. So I really didn't have much else
10 to add. I don't recall what everybody else was really
11 talking about specifically.

12 Q I appreciate your honesty.

13 A I mean, they could have discussed a lot of
14 things. I don't really -- If you mentioned it, I might
15 recall something specific, but not that there was so much
16 discussed. But I just can't remember any other specifics.

17 Q Do you recall where Mr. Pick's house is?

18 A Sure. It's in Santa Monica Canyon. I think
19 it's East Rustic Road or Rustic Canyon Road. I could
20 probably find it again.

21 Q How would you describe the attitude toward
22 Mr. Kay by the participants in this meeting, in general?

23 A I'd say we all pretty much don't like him. We
24 don't like the way he did -- does business.

25 Q Let me get specific. How would you describe

1 and what we were saying.

2 Q How would you characterize Mr. Harold Pick's
3 attitude towards Mr. James Kay?

4 A He's involved, a lot more adversarial, than I
5 was. Competes with him in business. So he was not very
6 fond of Mr. Kay at all.

7 I wouldn't say he would -- well, okay. Now I
8 have to remember something else that was discussed.

9 Q I appreciate that.

10 A Harold Pick described how he thought Jim Kay
11 had maybe made an attempt on his life. I don't remember
12 which meeting this was at. I think it was the second one.

13 Harold had a tire blow out. I believe, on his
14 car or a van he was driving on the freeway, and he thought
15 the tire had been tampered with. He thought, obviously --
16 probably would have been Jim Kay. I don't remember when
17 that occurred. But I remember it being discussed now.

18 Q How would you --

19 A I wasn't too happy with Jim possibly trying to
20 kill him.

21 Q You don't recall which meeting this occurred
22 at?

23 A I seem to think it was the later one but --
24 the second one, because it like occurred -- I don't really
25 recall now. I think it was the second meeting.

1 your attitude towards Mr. James Kay?

2 A He's not my favorite person. I don't
3 appreciate the way he manipulates the F.C.C. licensing for
4 his financial gain. If they let him get away with it, it's
5 the government's fault. He really doesn't seem like that
6 honest a person to me. I don't particularly like him.

7 Q When you say, "manipulates the F.C.C.
8 licensing," that's conjecture on your part? You don't
9 really have any personal knowledge as to F.C.C. licensing
10 rules; is that correct?

11 A I'm going by what he would brag about. Things
12 he did over the years that I worked for him. He would talk
13 on occasion how he did this or that, and that he knew more
14 about the F.C.C. rules than the F.C.C. did. He would tell
15 them how to interpret the rules.

16 Q How would you say -- I'm sorry. Would you
17 please characterize Mr. Jensen's feelings towards Mr. Kay
18 at that meeting?

19 A Probably pretty similar to my own. Doesn't
20 really appreciate the way Jim did business.

21 Q Same question with respect to Mr. Gerard Pick?

22 A I kind of recall him -- the older gentleman --
23 he wasn't too fond of Jim really, but I don't recall him
24 really outright asking things about Jim or commenting on it
25 other than listening to what his son, Harold, was saying

1 Q How would you characterize Mr. Hollingsworth's
2 attitude towards Mr. James Kay?

3 A I wouldn't say hostile, but I don't think he
4 was definitely out to get him for violating the rules. I
5 think he was pretty mad about it.

6 Q You think Mr. Hollingsworth was out to shoot
7 Mr. Kay down?

8 A To revoke all his licenses, definitely.

9 Q Did he say so?

10 A Probably. Although I don't remember exactly
11 how he worded it. I'm sure he made it known that he would
12 like to revoke all his licenses.

13 Q He made it pretty clear through the meeting
14 that was the purpose of the meeting, to gather evidence to
15 revoke Mr. Kay's licenses?

16 A Yes.

17 Q He made it pretty clear?

18 A Well, I'm -- yes. That's probably --

19 Q That's your understanding as to the purpose of
20 the meeting --

21 A Sure.

22 Q -- was to revoke Mr. Kay's licenses?

23 A Yes.

24 Q How did you come to get that understanding?

25 A I kind of recall Riley saying that they had

1 been either -- I don't know if he said investigating or
2 looking into Jim Kay's F.C.C. licensing practices for a
3 long time. They had been trying to get enough evidence on
4 him. I don't recall if he said to -- he probably did say
5 to revoke all his licenses, take away all his licenses.
6 Or maybe I could rephrase that. I'm trying to
7 think if he said it like he was an unfit license holder, in
8 general. Not so much as to revoke specific licenses, but
9 that to classify, in general, to be an unfit license holder
10 at all.
11 Q Is it an accurate statement for me to say he
12 wanted to put Mr. James Kay out of business?
13 A He never really said that.
14 Q Well, if he declared him an unfit license
15 holder and revoked all of his licenses, would that put him
16 out of business?
17 A Yes. But he never really said that was his
18 goal.
19 Q That was your understanding from the meeting?
20 A Yes.
21 Q You went to a second meeting; correct?
22 A Yes.
23 Q Why did you need to go to a second meeting?
24 A I vaguely recall that it was to -- like bring
25 us up to date on where the appeals and the whole process

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1 because. I guess, Jim was appealing all the rules, and the
2 F.C.C. was making rules against him. I really can't say
3 what the second meeting was about.
4 Q This was a number of months after the first
5 meeting?
6 A It seems like it was a few months in between.
7 Q Did Mr. Hollingsworth express any optimism
8 that he might be successful up against Mr. Kay?
9 A Yeah. I -- yeah. I -- he was optimistic.
10 sure.
11 Q Was he pretty much happy about the way things
12 were going?
13 A Yes.
14 Q I think that assumes that made Mr. Harold Pick
15 pretty darn happy?
16 A I don't remember jumping up for joy or
17 anything. He was probably kind of smug, happy, sure.
18 Q Was Mr. Gerard Pick there?
19 A I believe so. I believe the second meeting
20 was the one where we ended up around the dining table -- at
21 the dining room table, and we were having -- or definitely
22 eating something. I don't remember if there was a woman
23 there or not. I think the second meeting was a lot more
24 casual.
25 Q Get together and let's talk about what's going

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1 was going. I don't recall a real specific meeting or a
2 reason for the second meeting.
3 Q Who told you about the second meeting?
4 A I don't remember if it was Roy who called me
5 and told me when it was. I think Riley -- I talked to
6 Riley or both of them. I think Riley probably called me
7 when he got in town.
8 Q Do you recall when that was?
9 A No. It sure seemed like it was months after
10 the first meeting. Seemed like it was a while.
11 Q That was also at Harold Pick's home?
12 A Yes.
13 Q Were the same participants there?
14 A I believe so. Yeah. I don't recall anybody
15 different.
16 Q Do you recall what was discussed at that
17 meeting?
18 A No, not really. I can't distinguish what was
19 discussed from the first meeting and the second meeting.
20 Q Was it essentially the same sort of drill as
21 the first meeting?
22 A I don't know why we'd have to go over all the
23 licensing issues again, and whatever. I don't really
24 recall what the real gist of the second meeting was other
25 than to bring us up to date on where the appeals were.

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1 on so far?
2 A I think it was. I don't recall any real
3 reason why we would have to meet again.
4 Q Except for, perhaps, that Mr. Hollingsworth
5 wanted to keep his witnesses up to date?
6 A Yeah. But he kept us up to date. I remember
7 receiving the -- I guess judgments, a copy of the F.C.C.
8 rulings. I would get those in the mail from time to time.
9 MR. SEIDEL: Off the record for a minute.
10 (Telephonic Interruption.)
11 Q BY MR. SEIDEL: Did you have any other
12 meetings with anyone from the F.C.C. other than these two
13 we discussed this afternoon?
14 A I can't remember if Riley came by my apartment
15 or not. I kind of vaguely remember him maybe stopping by
16 once.
17 Q Would this be before or after these meetings?
18 A I don't know. I'm not really positive he did
19 come by. I might be confusing him with something else.
20 But I don't think there was any reason for him to really
21 come by my place. If he did, it was really briefly, like
22 just came in town or something. Just wanted to touch base,
23 or something like that.
24 Q Any other meetings?
25 A No.

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1 Q I don't suppose you recall what you spoke
2 about with Mr. Hollingsworth when he stopped by your
3 apartment?
4 A I'm not even sure if he did.
5 Q I realize that.
6 Were any other future plans made during
7 these -- any of these two meetings as to action that was
8 going to be taken?
9 A Action by who?
10 Q By the F.C.C. or by Mr. Pick or Roy Jensen?
11 Action by anybody?
12 A No. I don't recall ever being told what would
13 specifically happen.
14 Q Did you have any other meetings with the
15 Picks?
16 A No.
17 Q Did you ever have any other discussions with
18 Mr. Harold Pick?
19 A No. I never spoke to him on the phone or
20 anything.
21 Q Mr. Gerard Pick?
22 A No.
23 Q Other than these two meetings at Mr. Harold
24 Pick's house or residence, and, perhaps, a brief meeting at
25 your apartment with Mr. Hollingsworth, did you have any

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1 F.C.C.?
2 A A large thick envelope that had several pages
3 of rulings, judgments, I guess. You could call them
4 rulings, judgments, I guess. I'm not sure what you call
5 them.
6 Q So you would receive documents which were
7 reflective of the case against Mr. James Kay's case?
8 A Yes.
9 Q Do you know why you received those documents?
10 A I think it was just a courtesy from Riley to
11 let me know what was happening. I didn't ask for them. He
12 didn't tell me I'd be getting them. They just started --
13 it was like I was on a mailing list.
14 Q Did you read those documents?
15 A Sure.
16 Q Did you read them all?
17 A A lot of them were kind of lengthy. I
18 probably didn't read them from cover to cover. And I
19 recall he would pretty much highlight the highlights. He
20 would point -- indicate where, you know, the relevant
21 ruling was made or whatnot.
22 Q Mr. Hollingsworth would send you documents
23 from the F.C.C.'s case against Mr. James Kay and direct
24 your attention to parts that he thought were important?
25 A Yes.

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1 other meeting with the F.C.C.?
2 A No.
3 Q Did anyone ever contact you from the F.C.C.
4 other than Mr. Hollingsworth?
5 A No.
6 Q Did Mr. Hollingsworth ever call you other than
7 to inform you about a meeting?
8 A I kind of vaguely remember a phone call, but I
9 have no idea when or what it was about or what. Something
10 I think -- I think I'm confusing something.
11 I think when he called, I think he left a
12 message or something. I tried to call him back at his
13 hotel. So I think we exchanged phone calls like that or
14 something. I think that's what I'm thinking about.
15 Q Other than that phone call, did you have any
16 phone conversations with Mr. Hollingsworth?
17 A Not that I recall.
18 Q Did you ever have any phone conversations with
19 anyone from the F.C.C. other than to Mr. Hollingsworth and
20 that first call to the F.C.C. regarding your licenses?
21 A No. I don't think so.
22 Q Now, you received mail from the F.C.C.,
23 though?
24 A Yes.
25 Q What kind of mail did you receive from the

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1 Q Did he direct your attention by anything other
2 than the highlighting mark? For example, a letter?
3 A No. There was never a letter. He may have
4 handwritten some notes or something, maybe on the copy of
5 the document, like on the first page or something.
6 Q Did these documents come with any sort of
7 cover letter?
8 A No.
9 Q Like, "Hi, Kevin, check this out"?
10 A If it did say that, it was like written on the
11 first page of the document. I don't really recall that.
12 Q Did Mr. Hollingsworth refer to you as "Kevin"
13 or "Mr. Hessman"?
14 A I don't really remember. Probably
15 Mr. Hessman.
16 Q Now, other than these packages of F.C.C.
17 documents from the proceedings against Mr. James Kay, did
18 you receive any other mail from the F.C.C.?
19 A No.
20 Q Did you ever receive a witness statement from
21 the F.C.C.?
22 A Oh, yeah. Now that you mention it, I did.
23 Q So I refreshed your recollection?
24 A Yes.
25 Q Do you recall when you received that?

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1 A No. I can't really pin down a date of when
2 that was. Probably it was after in between the first and
3 second meeting.
4 Q Do you recall how many pages it was?
5 A At least one, maybe two. Two. No more than
6 two.
7 Q Did you read it?
8 A Yes.
9 Q Was it a completely accurate statement?
10 A As far as I remember, but I think I made some
11 corrections, although I'm not sure. I think I made the
12 corrections and then sent it back to them. They sent me
13 the other final documents.
14 Q Then you signed that?
15 A Yes.
16 Q And sent it back to them?
17 A Yes.
18 Q Did you have it notarized?
19 A Yes.
20 Q Did they request that you do so?
21 A Yes, they did.
22 Q Do you recall what this statement said?
23 A I think it pertained -- just to the two
24 licenses that I had firsthand knowledge of, that I -- that
25 were in my name. And I don't think it covered anything

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1 Pick other than during the two meetings we've discussed at
2 length today?
3 A I don't recall ever meeting him anywhere else.
4 no.
5 Q Any phone calls?
6 A No.
7 Q Any letters?
8 A No.
9 Q Have you ever met or heard of an individual
10 named Mr. Frank De Marzo?
11 A No.
12 Q We have discussed Mrs. Annedore Pick in which
13 you testified that she may have been there, but you don't
14 really know who she is?
15 A Right. I don't recall. I remember Harold's
16 father, but I don't ever recall the mother. Vaguely. Kind
17 of. Maybe she was there when she served some food or
18 something. I might be even confusing the father.
19 Q But you never had any other contact with
20 someone named Annedore Pick?
21 A No. In fact, I thought it was Just Harold and
22 his father. I thought maybe she was deceased.
23 Q Other than your testimony today regarding the
24 licenses which are in your name and the license forms you
25 would have perhaps six customers sign, do you have any

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1 else, as far as I remember.
2 Q Do you have a copy of that statement?
3 A No. I can't find it. That's -- I can't
4 believe I didn't make a copy.
5 Q Did anyone tell you not to make a copy?
6 A No.
7 Q They just told you to have it notarized and
8 signed?
9 A Yes.
10 Q Which you did?
11 A Yes.
12 Q So you got a statement, made some corrections,
13 sent it back. They incorporated those corrections, sent it
14 back to you, you signed it, had it notarized and sent it
15 back to them?
16 A I believe that's the way it goes. I seem to
17 remember making the corrections, but I'm not really
18 positive. I'm pretty sure that's the way it happened.
19 Q I assume you know who Mr. Gerard Pick is:
20 correct?
21 A Yes.
22 Q Have you ever had any contact with him,
23 whatsoever, other than during those two meetings?
24 A No.
25 Q Have you ever had any contact with Mr. Harold

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1 personal knowledge as to how Mr. Kay ran his business with
2 respect to obtaining licenses?
3 A Other than what I heard Jim say himself, admit
4 to, no.
5 Q Do you have any personal knowledge as to how
6 customers were signed up with any entity which Mr. Jim Kay
7 had interest?
8 A No. I didn't handle that at all.
9 Q Do you have any personal knowledge as to the
10 solicitation of new customers?
11 A No.
12 Q I have no further questions at this point. I
13 appreciate your coming down today.
14 A No problem.
15 Q At this point we enter into a stipulation and
16 agreement whereby we relieve the court reporter of her
17 duties under the Code of Civil Procedure: the court
18 reporter will prepare the deposition transcript; and I
19 would like her to send it to you; and I would like for you,
20 within 30 days, to send it to me, with any information or
21 changes in it; and I'd like also to have you sign the back
22 of that transcript under penalty of perjury; and there will
23 be a little place for you to read and sign.
24 I'd also ask, if you don't mind, like to have
25 you put little flags on the pages where you made changes

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